
No.32

AMARAVATI, FRIDAY, JANUARY 5, 2024

G.3644

NOTIFICATIONS BY GOVERNMENT

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**GOVERNMENT OF ANDHRA PRADESH
FINANCE(HR.III. PENSION,GPF)DEPARTMENT**

Circular.Memo.No. FIN01-HR0MISC/25/2023-HR-III /2036775, Dt:28/05/2023

Sub:- Finance Department – Pension Rules – Services rendered on a substantive post or services rendered as officiating or temporary service shall be treated as qualifying service - Service rendered casual/contract/part time/ hourly basis etc., is not a substantive appointment and shall not be counted for the purpose of pensionary benefits -Judgment pronounced by Hon'ble Supreme Court of India in CA No.1787 of 2023, dated 24-03-2023 - Reg.

Ref :- Judgement of Hon'ble Supreme Court of India in CA No.1787 of 2023, dated 24-03-2023 between Director General of Doordarshan prasar Barthi corporation of India and Smt.Magi H Desi.

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According to orders of Hon'ble Supreme Court of India in the above reference cited, the representation of the respondent has been rejected for rendered casual/contractual services from 1985 till 31.03.1995 for calculating the pensionary/service benefits which is as per rules in the case.

2. The Ratio Decidendi of the Hon'ble Apex Court in the above reference cited is that "the services rendered on a substantive post or services rendered as officiating or temporary service shall be treated as qualifying service. Service rendered as casual/contractual cannot be said to be officiating or temporary service. Even the services rendered as temporary service can be considered as qualifying service provided that the officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post. Service rendered as casual/contractual cannot be said to be service rendered on a substantive appointment."

3. In view of the above verdict, the service rendered by the individuals as casual/contract/part time/ hourly basis etc., on temporary basis but not on a substantive post shall not be counted for qualifying service for pensionary/service benefits is concerned.

4. Keeping the Apex court orders and after careful examination of the matter, Government hereby informed to file counters while appraise the apex court orders whenever cases filed w.r.to retrospective regularization, counting of pre-regularized service for the purpose of pension and pensionary benefits. Necessary instructions to be issued to the HoDs under the control of the administrative departments in Secretariat.

5. This is treated as most urgent.

**CHIRANJIV CHOUDHARY
PRINCIPAL SECRETARY TO GOVERNMENT (HR)**

To

All the Secretariat Departments
All the Heads of the Departments.
All the Sections in Finance Department

//Forwarded :: By Order //


A. Sybiley
Section Officer